

SUPREME JUDICIAL COURT  
for the Commonwealth  
Case Docket

COMMONWEALTH vs. DAVID T. CHALUE  
THIS CASE CONTAINS IMPOUNDED MATERIAL OR PIB  
SJC-12457

CASE HEADER

Case Status	Decided, Rescript issued	Status Date	03/26/2021
Nature	Murder1 appeal	Entry Date	12/21/2017
Appellant	Defendant	Case Type	Criminal
Brief Status		Brief Due	
Quorum	Lenk, Gaziano, Lowy, Budd, Cypher, Kafker, JJ.		
Argued Date	11/06/2020	Decision Date	02/23/2021
AC/SJ Number		Citation	486 Mass. 847
DAR/FAR Number		Lower Ct Number	
Lower Court	Berkshire Superior Court	Lower Ct Judge	C. Jeffrey Kinder, J.
Route to SJC	Direct Entry: Murder 1		

ADDITIONAL INFORMATION

Transcripts received: 28 volumes (on CD). Transcripts dates: 3/7/12, 7/12/12, 9/20/12, 10/11/13, 10/28/13, 11/21/13, 4/11/14, 4/14/14, 4/22/14, 4/23/14, 4/25/14, 4/28/14, 4/29/14, 4/30/14, 5/1/14, 5/5/14, 5/6/14, 5/7/14, 5/8/14, 5/9/14 (AM), 5/9/14 (PM), 5/12/14, 5/13/14, 5/14/14, 5/15/14 (AM), 5/15/14 (PM), 5/16/14 and 5/19/14 (Scanned)

INVOLVED PARTY

**Commonwealth**  
Plaintiff/Appellee  
Red brief & appendix filed  
  
**David T. Chalue**  
Defendant/Appellant  
Blue br, app & reply br filed  
7 Exts, 456 Days

ATTORNEY APPEARANCE

[David F. Capeless, Special A.D.A.](#)  
[Joseph A. Pieropan, Special A.D.A.](#)  
[Tara Beth Ganguly, A.D.A.](#) - Withdrawn  
  
[Andrew S. Crouch, Esquire](#)

DOCUMENTS

[Appellant Chalue REDACTED Brief](#)   
[Appellee Commonwealth Brief](#) 

[Appellant Chalue Reply Brief](#) 

DOCKET ENTRIES

Entry Date	Paper	Entry Text
12/21/2017	#1	Entered. Notice to counsel.
04/25/2018	#2	MOTION to extend to 06/29/2018 filing of brief of David T. Chalue by Andrew S. Crouch, Esquire. (ALLOWED to June 29, 2018)
07/02/2018	#3	MOTION to enlarge time for filing brief to September 28, 2018, for the Appellant filed by Andrew S. Crouch, Esquire. (ALLOWED to September 28, 2018, to provide additional time to investigate the motion for new trial or to complete and file the brief.).
10/01/2018	#4	MOTION to extend to 12/28/2018 filing of brief of David T. Chalue by Andrew S. Crouch, Esquire. (ALLOWED to December 28, 2018, to provide additional time to investigate the motion for new trial or to complete and file the brief.)
10/09/2018	#5	MOTION for Funds for Travel to Meet Client, filed for David T. Chalue by Andrew S. Crouch, Esquire.
10/12/2018	#6	ORDER: Motion for Funds to Travel is remanded to Berkshire Superior Court.
10/29/2018	#7	NOTICE OF STATUS CONFERENCE: A STATUS CONFERENCE has been scheduled in this matter for WEDNESDAY, NOVEMBER 14, 2018, at 10:30 A.M., in Courtroom 1, John Adams Courthouse, One Pemberton Square, Boston, Massachusetts. A status report shall be filed by November 5, 2018. (Botsford, J., presiding as Special Master).
11/08/2018	#8	STATUS LETTER from Andrew S. Crouch, Esquire.
11/23/2018	#9	NOTICE: The parties having appeared for a status conference before Special Master Margot Botsford on November 14, 2018, it is reported and recommended that the defendant's motion for new trial shall be filed on or before January 4, 2019. The defendant's brief shall be filed on or before May 30, 2019, and the Commonwealth's brief shall be filed on or before August 28, 2019.

12/03/2018 #10 ORDER: Upon consideration of the report of the Special Master, it is ORDERED that the defendant's motion for new trial shall be filed on or before January 4, 2019. The defendant's brief shall be filed on or before May 30, 2019, and the Commonwealth's brief shall be filed on or before August 28, 2019. By the Court.

01/04/2019 #11 NOTICE OF AVAILABILITY OF ELECTRONIC FILING: The clerk's office will accept briefs, appendices, motions, status reports, and correspondence through eFileMA effective immediately. Please note that after review and docketing of e-filed briefs and appendices, the clerk will require a limited number of paper copies to be filed. Parties are free to file their briefs and record appendices under the revised rules of appellate procedure prior to their effective date, March 1, 2019.

05/30/2019 #12 Motion to extend to date for filing of appellant's brief filed for David T. Chalue by Attorney Andrew Crouch. (ALLOWED to June 28, 2019.)

06/28/2019 #13 Motion to extend to date for filing of appellant's brief filed for David T. Chalue by Attorney Andrew Crouch. (ALLOWED to July 30, 2019. No further enlargements.)

07/30/2019 #14 Motion to extend to date for filing of appellant's brief filed for David T. Chalue by Attorney Andrew Crouch. (ALLOWED to August 9, 2019. No further enlargements.)

08/09/2019 #15 Motion to extend to date for filing of appellant's brief filed for David T. Chalue by Attorney Andrew Crouch. (ALLOWED to August 16, 2019. No further enlargements.)

08/16/2019 #16 Motion to extend to date for filing of appellant's brief filed for David T. Chalue by Attorney Andrew Crouch. (ALLOWED to August 19, 2019. No further enlargements.)

08/19/2019 #17 Appellant brief (contains references to impounded materials) filed for David T. Chalue by Attorney Andrew Crouch.

08/19/2019 #18 Appendix Volume 1 filed for David T. Chalue by Attorney Andrew Crouch.

08/19/2019 #19 Appendix Volume 2 (IMPOUNDED) filed for David T. Chalue by Attorney Andrew Crouch.

08/19/2019 #20 (SEALED) Appendix Volume 3 filed for David T. Chalue by Attorney Andrew Crouch.

08/19/2019 #21 MOTION to exceed the length limit filed for David T. Chalue by Attorney Andrew Crouch. (The appellant's motion to exceed the length limit from 11,000 words to 22,243 words is denied without prejudice. The appellant may renew the motion and if so, "shall specify the relevant issue or issues and why such issues merit additional pages or words...." Mass. R. App. P. 20(a)(3)(G))

09/04/2019 #22 MOTION to exceed page limit filed for David T. Chalue by Attorney Andrew Crouch. (ALLOWED, in part, to 18,000 words).

09/17/2019 #23 (IMPOUNDED) Appellant brief filed for David T. Chalue by Attorney Andrew Crouch.

09/17/2019 #24 Appendix Volume 1 filed for David T. Chalue by Attorney Andrew Crouch.

09/17/2019 #25 (IMPOUNDED) Appendix Volume 2 filed for David T. Chalue by Attorney Andrew Crouch.

09/17/2019 #26 (SEALED) Appendix Volume 3 filed for David T. Chalue by Attorney Andrew Crouch.

09/17/2019 The clerk's office has received the appellant's brief and record appendices through e-fileMA. The brief has been accepted for filing and entered on the docket. The appellant shall file with the clerk 4 copies of the brief and 3 copies of each record appendix within 5 days. The clerk's office may require additional copies if necessary. The appellant shall efile a redacted version of the brief.

09/25/2019 #27 Additional 4 copies of appellant's brief, 3 copies of each record appendix, record appendix (IMPOUNDED) and record appendix (filed under seal), filed by David T. Chalue.

10/28/2019 #28 LETTER from Berkshire Superior Court to supplement the record on appeal.

11/14/2019 #29 Motion to exceed word limit filed for Commonwealth by Joseph Pieropan, Special A.D.A.. (ALLOWED, in part, to 18,000 words.)

11/15/2019 #30 (Revised) Motion to exceed the word limit filed for Commonwealth by Joseph Pieropan, Special A.D.A.. (ALLOWED to 18,445 words.)

11/14/2019 #31 Appellee brief filed for Commonwealth by David Capeless, Special A.D.A..

11/14/2019 #32 Appendix filed for Commonwealth by David Capeless, Special A.D.A..

11/15/2019 The clerk's office has received the Commonwealth's brief and appendix through e-fileMA. The brief has been accepted for filing and entered on the docket. The Commonwealth shall file with the clerk 4 copies of the brief and 3 copies of the appendix within 5 days. The clerk's office may require additional copies if necessary.

11/22/2019 #33 Additional 4 copies of appellee's brief and 3 copies of record appendix filed by Commonwealth.

01/29/2020 #34 ORDERED for argument on May 8. Notice sent.

04/06/2020 #35 ORDER: Notwithstanding the court's Standing Order dated April 1, 2020, all briefs, including amicus briefs, shall be timely filed in the absence of an enlargement of time.

04/10/2020 #36 Motion to reschedule oral argument filed for David T. Chalue by Attorney Andrew Crouch. (The motion to postpone oral argument is ALLOWED. By the Court.)

04/22/2020 #37 Appearance filed for Commonwealth by Tara Beth Ganguly, A.D.A..


04/23/2020 #38 Withdrawal of appearance filed for Commonwealth by Tara Beth Ganguly, A.D.A..

09/10/2020 #39 NOTICE of October argument sent.

09/17/2020 #40 NOTICE of November argument sent.

10/02/2020 #41 ORDERED for argument on November 6. Notice sent.

10/20/2020 #42 (REDACTED) Appellant brief filed for David T. Chalue by Attorney Andrew Crouch.

10/26/2020	#43	Reply brief filed for David T. Chalue by Attorney Andrew Crouch.
10/26/2020	#44	Motion to extend to date for filing of appellant's reply brief filed for David T. Chalue by Attorney Andrew Crouch. (ALLOWED to October 26, 2020)
10/26/2020		The clerk's office has received the appellant's reply brief through e-fileMA. The brief has been accepted for filing and entered on the docket. The appellant shall file with the clerk 4 copies of the brief by October 30, 2020. The clerk's office may require additional copies if necessary.
11/06/2020		Oral argument held. (Lenk, J., Gaziano, J., Lowy, J., Budd, J., Cypher, J., Kafker, J.). <a href="#">View Webcast</a> 
11/10/2020	#45	Additional 4 copies of appellant's reply brief filed by David T. Chalue.
11/20/2020	#46	LETTER from Attorney Andrew Crouch to request an audio recordings of oral argument. (Copy sent)
02/23/2021	#47	RESCRIPT (Full Opinion): For the reasons stated in the opinion, we conclude that the verdicts of murder in the first degree are consonant with justice, and we decline to exercise our authority under G. L. c. 278, § 33E, to order a new trial or direct the entry of verdicts of a lesser degree of guilt. Judgments affirmed. (By the Court)
03/26/2021		RESCRIPT ISSUED to trial court.

As of 03/26/2021 3:20pm